

Decision 06-06-023 June 15, 2006

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Solana Beach for an Order authorizing construction of a crossing at separated grades adjacent to East Cliff Street between Highway 101 and North Cedros Avenue over the track of the North County Transit District (NCTD), sometimes referred to as Cliff Street Pedestrian Overcrossing.

Application 05-09-032  
(Filed September 28, 2005)

**O P I N I O N**

**Summary**

This decision grants the City of Solana Beach's (City) request for authority to construct a grade-separated pedestrian-rail crossing (crossing), referred to as the Cliff Street Pedestrian Overcrossing, adjacent to East Cliff Street above the two main line tracks of the North County Transit District (NCTD) in Solana Beach, San Diego County.

**Discussion**

Proposed Project

The proposed construction of the crossing over NCTD's tracks at milepost 241.50, adjacent to East Cliff Street between Highway 101 to the west and North Cedros Avenue to the east, is necessary to accommodate pedestrian and bicycle traffic across the tracks. The proposed crossing will provide easy access to and from the Coastal Rail Trail, which runs north from Via de la Valle, along Highway 101, to Ocean Street for approximately 1.4 miles.

The proposed crossing will carry pedestrian and bicycle traffic over NCTD's two main line tracks by means of a multi-span bridge structure. The total length of the proposed bridge structure is approximately 250 feet from abutment to abutment. The portion of the bridge structure that will span the NCTD tracks is a pre-fabricated steel truss structure, with a cast-in-place concrete walking surface. This span is approximately 114 feet 6 inches. The total width of the traveled way is approximately eight feet. The substructure components of the proposed bridge structure consist of reinforced concrete or masonry.

NCTD owns the right-of-way within the project limits and maintains the tracks. The Burlington Northern and Santa Fe Railway Company operates freight trains and the National Railroad Passenger Corporation (Amtrak) operates passenger trains over these tracks. Amtrak also operates additional Coaster trains for NCTD over these tracks.

No falsework is required during placement of the span, since the span is prefabricated. Above the NCTD tracks, the final vertical clearance will be a minimum of 24 feet 9 inches. The horizontal clearance will not be impacted before and after construction. The proposed structure is grade-separated, therefore no signs or signals are proposed. The crossing will have an 8-foot high barrier fence with a 1-inch square mesh on both sides of the structure, within the area directly above the tracks.

#### Environmental Review

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. The Commission must issue a

discretionary decision in order for the project to proceed (i.e., the Commission must approve the project pursuant to Section 1202 of the Public Utilities Code); therefore, the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole.<sup>1</sup> Here, City is the lead agency for this project and the Commission is a responsible agency. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project..<sup>2</sup>

City filed, with the State Clearinghouse and San Diego County Clerk, a Notice of Exemption (NOE) for this project. The NOE finds that this project is Categorically Exempt from CEQA under CEQA Guideline Sections, including Section 15304(h) for bicycle lane projects on existing right-of-way and Section 15332 for infill development projects. A copy of the NOE is included in Appendix A attached to the order.

The Commission reviewed and considered the lead agency's NOE and finds it adequate for our decision-making purposes.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) has inspected the site of the proposed crossing. After reviewing the need for and safety of the proposed crossing, RCES recommends that the Commission grant City's request.

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<sup>1</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

<sup>2</sup> CEQA Guidelines, Sections 15050(b) and 15096.

The application complies with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad. A vicinity map of the proposed crossing location and a plan of the proposed grade-separated structure are shown in Appendix B attached to this order.

### **Categorization and Need for Hearings**

In Resolution ALJ 176-3160, dated October 6, 2005, and published in the Commission Daily Calendar on October 7, 2005, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests were filed, and it is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3160.

### **Waiver of Comment Period**

This application is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), we waive the otherwise applicable 30-day period for public review and comment.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on October 4, 2005. There are no unresolved matters or protests; a public hearing is not necessary.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct the Cliff Street Pedestrian Overcrossing, above NCTD's two main line tracks in Solana Beach, San Diego County.

3. The proposed crossing is necessary for the grade-separated movement of pedestrian and bicycle traffic above the NCTD tracks, which run between North Cedros Avenue and Highway 101. The proposed crossing additionally will provide easy access to and from the Coastal Rail Trail, which runs north from Via de la Valle, along Highway 101, to Ocean Street for approximately 1.4 miles.

4. Public convenience, safety and necessity require the construction of the proposed crossing.

5. City is the lead agency for this project under CEQA, as amended.

6. The City determined that the project is exempt from CEQA pursuant to CEQA Guideline Sections including 15304(h), and 15332.

7. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's NOE.

### **Conclusions of Law**

1. The NOE adopted by the City as the documentation required by CEQA for the crossing project is adequate for our decision making purposes.

2. We adopt the City's NOE for purposes of our approval.

3. The application should be granted as set forth in the following order.

### **O R D E R**

#### **IT IS ORDERED** that:

1. City of Solana Beach (City), in cooperation with North County Transit District (NCTD), is authorized to construct the proposed Cliff Street Pedestrian Overcrossing, above NCTD's two main line tracks, adjacent to East Cliff Street between Highway 101 to the west and North Cedros Avenue to the east, in Solana Beach, San Diego County, at the location and substantially as shown by plans attached to the Application and Appendix B of this order, identified as CPUC Crossing No. 106-241.50-AD.

2. City and NCTD shall comply with all applicable rules, including Commission General Orders and the Manual on Uniform Traffic Control Devices (MUTCD), as amended by the MUTCD California Supplement.

3. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between City and NCTD (parties). Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, NCTD shall notify the Rail Crossing Engineering Section (RCES) in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work.

5. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

6. A request for a time extension must be submitted to RCES at least 30 days before the expiration of this decision. A copy of the request must be sent to all interested parties.

7. This application is granted as set forth above.

8. Application 05-09-032 is closed.

This order becomes effective 30 days from today.

Dated June 15, 2006, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
GEOFFREY F. BROWN  
DIAN M. GRUENEICH

JOHN A. BOHN  
RACHELLE B. CHONG  
Commissioners

## APPENDIX A

NOTICE OF EXEMPTION

**Notice of Exemption** RECEIVED Form D

**To:** ☒ Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

**From:** (Public Agency) City of Solana Beach  
635 South Highway 101  
Solana Beach, CA 92075

**County Clerk** ☒  
County of San Diego  
1600 Pacific Highway  
San Diego, CA 92101

**RECEIVED** (Address) **FILED**  
Gregory J. Smith, Recorder/County Clerk  
JAN 2 5 2005  
JAN 2 6 2005  
FEB 0 1 2005  
Assessor-Corr. BY rmb DEPUTY

**Project Title:** Cliff Street Vicinity Pedestrian/Bicycle Bridge

**Project Location - Specific:**  
Railroad right-of-way between E. Cliff Street (east of Highway 101) and W. Cliff Street (west of Highway 101), 1/4 mile north of the existing train station.

**Project Location - City:** Solana Beach **Project Location - County:** San Diego

**Description of Project:**  
Any and all phases of acquisition of leases, financing and/or construction of the Cliff Street Bridge to further enhance safe pedestrian and bicycle linkage across the existing double railroad tracks.

**Name of Public Agency Approving Project:** City of Solana Beach

**Name of Person or Agency Carrying Out Project:** City of Solana Beach Engineering Department

**Exempt Status: (check one)**  
☐ Ministerial (Sec. 21080(b)(1); 15268);  
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));  
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));  
☒ Categorical Exemption. State type and section number: See below  
☐ Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**  
Consistent with the spirit and intent of Section 15303(c)-less than 10,000 square foot floor area; 15303(d)-street improvements; 15304(h)-bicycle lanes on existing rights-of-way; 15332-infill development; and 15301(c)-bicycle and pedestrian trails.

**Lead Agency**  
**Contact Person:** Dan Goldberg (Engineering) **Area Code/Telephone/Extension:** 858-720-2474

**If filed by applicant:**  
 1. Attach certified document of exemption finding.  
 2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

**Signature:** [Signature] **Date:** 1/21/05 **Title:** Com. Dev. Director

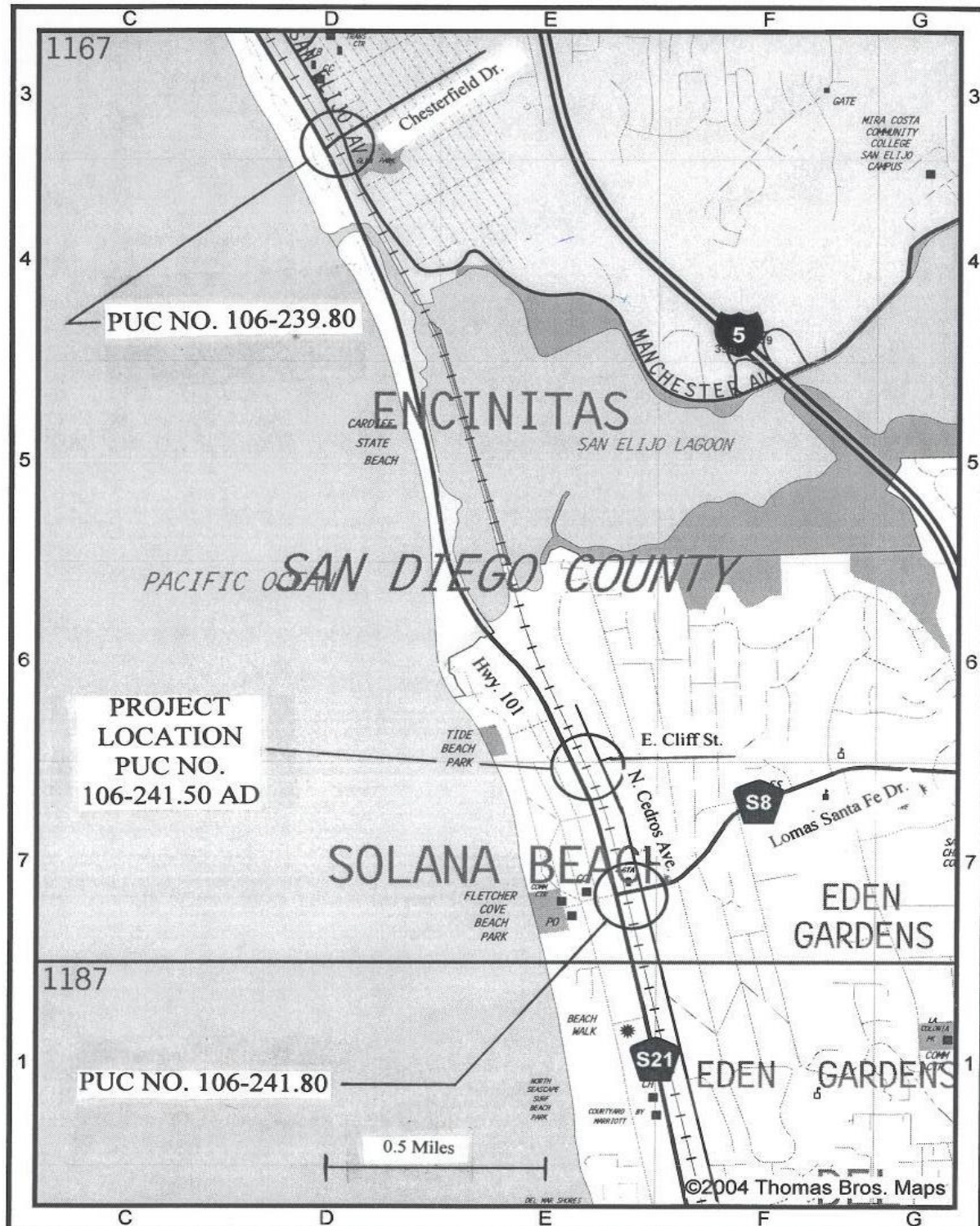
☒ Signed by Lead Agency  
☐ Signed by Applicant

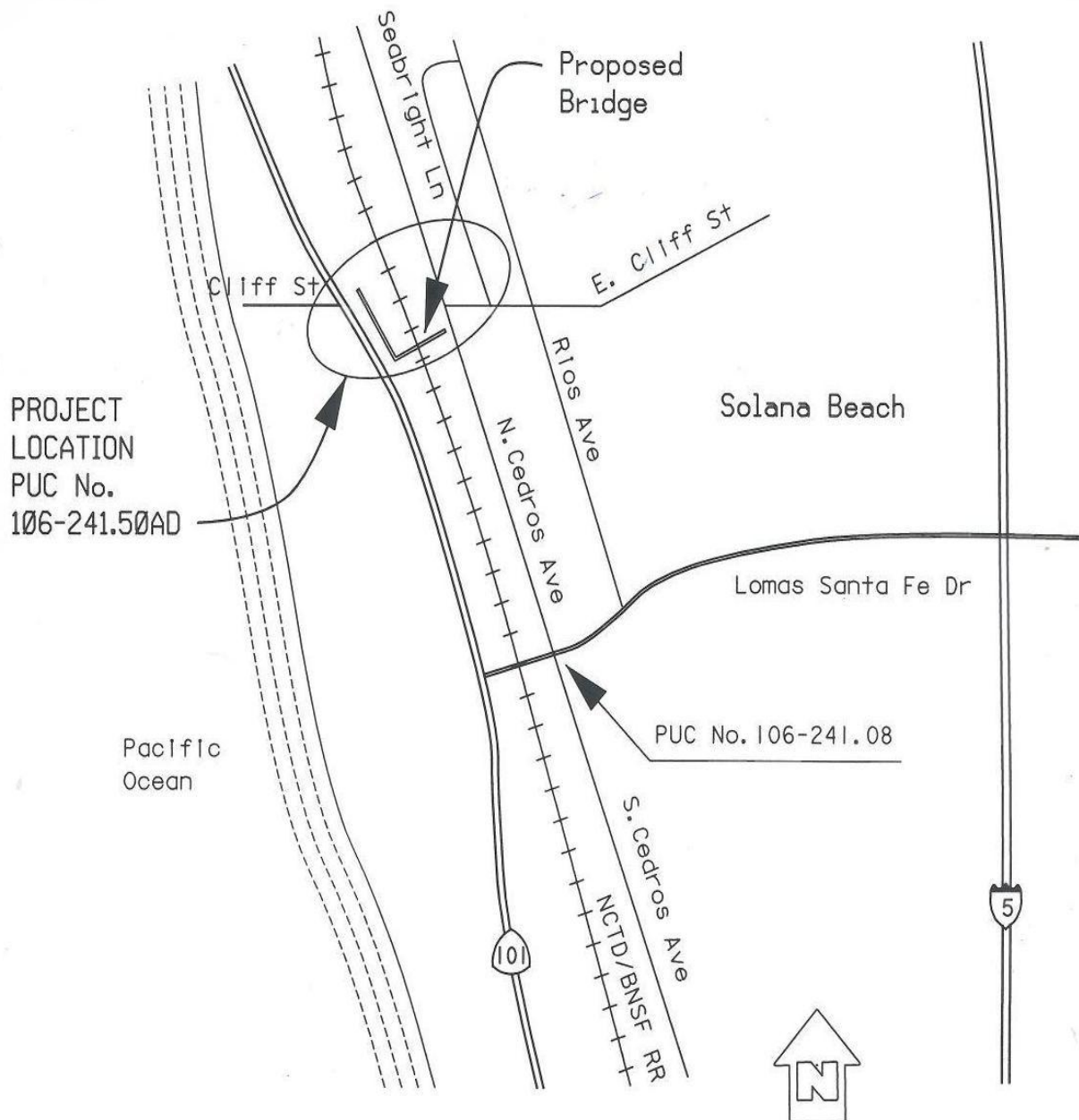
**Date received for filing at OPR:** January 2004  
 San Diego County on FEB 01 2005  
 Posted SEP 01 2005  
 Returned to agency on SEP 01 2005  
rmb

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## APPENDIX B

VICINITY MAP

**APPENDIX B****LOCATION MAP**



## APPENDIX B

## BRIDGE PLAN &amp; ELEVATION

